

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LOREN CHRISTINE MATTOS,)	CIVIL NO. 11-00275 LEK-RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS THIS ACTION WITHOUT
vs.)	PREJUDICE
)	
LAURUS FUND GROUP, INC.;)	
FLAGSTAR BANK FSB; NATIONSTAR)	
MORTGAGE, LLC)	
)	
Defendants.)	
)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

On July 18, 2013, this Court issued a Deficiency Notice and Order Regarding Service of Defendants Laurus Fund Group, Inc. and Flagstar Bank FSB. ECF No. 56. In that order, the Court gave notice to Plaintiff that she must serve her Complaint upon Defendants Laurus Fund Group, Inc. and Flagstar Bank FSB no later than August 15, 2013, and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 4(m); see also In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001) (stating that the court has broad discretion under Rule 4(m) to

¹ Within fourteen days after a party is served with a copy of the Findings and Recommendation, that party may, pursuant to 28 U.S.C. § 636(b)(1)(B), file written objections in the United States District Court. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

extend the time for service or to dismiss the action without prejudice).

On August 13, 2013, Plaintiff filed a Response to the Court's Order to Show Cause stating that she was having difficulty completing service and requesting that this case be dismissed without prejudice. ECF No. 57 at 2. Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Plaintiff's request and Federal Rule of Civil Procedure 4(m).

IT IS SO FOUND AND RECOMMENDED.

DATED: HONOLULU, HAWAII, AUGUST 14, 2013.




Richard L. Puglisi
United States Magistrate Judge

MATTOS V. LAURUS FUNDING GROUP, INC., ET AL.,; CIVIL NO. 11-00275
LEK-RLP; FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION
WITHOUT PREJUDICE